

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: CRIMINAL JUSTICE

DATE: MAY 21, 2009

Committee Members Present:

Supervisors Tessier
 O'Connor
 Taylor
 Goodspeed

Committee Members Absent:

Supervisors Bentley
 Kenny
 VanNess

Others Present:

Kate Hogan, District Attorney
Robert Iusi, Director of Probation
John Adams, Probation Supervisor
John Wappett, Public Defender
Amy Bartlett, First Assistant County Attorney
Hal Payne, Commissioner of Administrative & Fiscal
 Services
JoAnn McKinsty, Deputy Commissioner of
 Administrative & Fiscal Services
Joan Sady, Clerk of the Board
Supervisor Strainer
Supervisor Pitkin
Supervisor Sheehan
Supervisor Girard
Sheila Weaver, Commissioner, Department of Social
 Services
Joanne Collins, Legislative Office Specialist

Mr. Tessier called the meeting of the Criminal Justice Committee to order at 9:37 a.m., and noted the lack of a quorum present; therefore, he said, items presented would be for informational purposes only until a quorum was available.

Privilege of the floor was extended to Kate Hogan, District Attorney, who distributed copies of the agenda to the Committee members, a copy of which is on file with the minutes.

Ms. Hogan suggested that an effort be made to relocate Department of Social Services (DSS) temporary housing recipients from places such as the Madden Hotel on South Street to a more viable location. She suggested that the Committee consider renovation of the former jail in order to meet compliancy requirements as a housing facility. Ms. Hogan said that she had spoken with Sheila Weaver, Commissioner of DSS, who supported the objective. Ms. Hogan asserted that the purpose of relocating temporary housing was to eliminate fraud which, she said, was in direct opposition to the integrity of the expenditure of Warren County taxpayer's money. She asked for full consideration of the use of the old jail as temporary housing for DSS recipients. She asserted the advantages of such utilization of space which would create a paradigm shift for DSS recipients encouraging them to function responsibly and independently. She explained the ease of patrolling the area in order to contain criminal activity, the cost savings to the County of approximately \$500,000, and the creation of a central living area, all of which made this a viable option worthy of full consideration.

Mr. Goodspeed entered the meeting at 9:40 a.m., thereby providing a quorum of the Committee.

Motion was made by Mr. O'Connor, seconded by Mr. Taylor, and carried unanimously to approve the minutes from the April 23, 2009 Committee meeting, subject to correction by the Clerk of the

Board.

Mr. Strainer entered the meeting at 9:43 a.m.

Ms. Hogan acknowledged Mr. Pitkin who had raised the issue of finding a functional use for the former DSS building and Ms. Hogan stated her skepticism for use as housing due to the isolated location of the building which encouraged further drug activity. According to Ms. Hogan, visibility was a significant advantage to utilizing the Municipal building for this population. Two challenges, she said, were to obtain funding for the renovations, and the potential reactions from residents of the neighboring Courthouse Estates. Pertaining to the funding for renovations, Ms. Hogan said that the removal of recipients from temporary housing on South Street would directly impact the economic development plans on the South Street corridor in a positive way.

Ms. Hogan apprised that a grant meeting had been held which Mr. VanNess had attended and it was reported that there were grant applications available for temporary housing. Mr. Taylor stated that the grant funding could pay up to 18 months of housing expenses but it may not cover renovations for housing facilities. Ms. Hogan stated that it was her understanding that funds for renovations could be derived from such grants. She suggested that a collective discussion be held and noted that the County Facilities Committee was scheduled to meet on Tuesday, May 26, 2009 at 11:15 a.m. and Ms. Hogan indicated that she would attend.

Hal Payne, Commissioner of Administrative & Fiscal Services, suggested that Karen Putney, Administrator of Fire Prevention & Building Codes be involved in the effort.

Ms. Hogan acknowledged the palpable consequences of the current economic crisis, and she asserted that some difficult decisions must be made and a strong message should be conveyed to DSS recipients. Ms. Hogan commended the employees of Warren County who were eager to assist with cost containment efforts in any way possible. She stated that all ideas for cost savings should be brought forward and she proposed that an earnest effort be made to utilize and retain the current County staff, and to avoid hiring contractors.

A discussion ensued related to the mitigating factors involved in such an effort. Mr. Tessier noted that the use of stimulus money required paying prevailing wage for contractors. Ms. Hogan asserted the possibility that the project be funded from other sources. She reiterated that Warren County had talented staff that was willing to assist with the effort. She apprised that \$500,000 could be saved with this effort which would be evidence to the taxpayers that significant changes had taken place in Warren County.

Mr. Taylor congratulated Ms. Hogan, Mr. Iusi, and Sheriff York for their ideas toward the common goal for the greater good of the County. He advised that the recommendation to consider the old jail as a housing facility would be referred to the County Facilities Committee and he cautioned that the issue be thoroughly analyzed to ensure that any and all issues or roadblocks be addressed at the onset.

Mr. Payne stated that there was a strong possibility of issues arising with Civil Liberties groups and the building inspector related to asbestos. Ms. Hogan replied that sheetrock could be applied to the interior to meet building code regulations and compliancy with social services law. She noted that she had discussed the matter with Mr. VanNess and Sheriff York and concluded that registered sex

offenders would be housed in separate rooms. Ms. Hogan reported that there were no families currently on temporary assistance; and three separate living spaces for families could be created for possible future use. Mr. Tessier pointed out that the space was already divided into four sections. Ms. Hogan apprised evidence of any fatal flaws should be noted early in the discussion process. Ms. Hogan stated that Sheriff York had offered to dedicate resources (staff) for construction.

Mr. Pitkin thanked Ms. Hogan for the innovative suggestion and cautioned that any hindrances or negative statements made should be accompanied by sufficient explanations and details. Mr. Payne noted that in previous years, hours had been spent on the use of the old jail space and the Committee had consistently encountered deterring factors. Ms. Hogan stated that the issues should be addressed in conjunction with compliancy requirements.

Mr. Goodspeed restated the goal to provide significant renovations to the former Warren County jail facility in order to house individuals that qualify for temporary housing, removing the need to place them in more costly hotel rentals. In addition to building and codes, zoning, and County Facilities, Mr. Goodspeed asserted that the Warren County Attorney would also need to be involved.

Mr. Goodspeed suggested that a like model in New York State be studied. He stated that the intent to utilize in-house engineering may cause the need for other DPW projects to cease progress or be tabled. Further, he stated, a determination must be made concerning the least costly option to either renovate or rebuild. He expounded that the building was a 50 to 60 year old brick structure which had been the subject of several highly questionable reports in the past. Additionally, he said, it was located on the edge of the Adirondack Park and Lake George Basin, and attached to the County Government building; therefore, he said, it would be inevitable that a proposal to make significant changes to the structure would raise zoning, building code, legal and social issues.

Mr. Payne stated that he would contact Mrs. Putney today to do a walk through and report to the County Facilities Committee on Tuesday. Ms. Hogan said she planned to speak with Sheriff York for the same purpose. Ms. Hogan repeated the primary goals of the project would be to save County money and to eliminate fraud. She underscored the individual and collective talent and abilities of the employees of Warren County.

Mr. Strainer asked if the current 50% subsidy received by the DSS for temporary housing would be lost if a County facility were used. Mrs. Weaver stated that it was her understanding that the site on County property would qualify for the same funding and that she would research the details further. Mr. Pitkin reinforced the need to see a model(s) of a similar facility. Ms. Hogan stated that she would work with Mrs. Weaver.

Ms. Hogan presented a request to ratify the actions of the District Attorney with regard to submitting an application to the Bureau of Justice Assistance for Recovery Act: Edward Byrne Memorial Justice Assistance Funds, for a total amount not to exceed \$22,190 to be used for contract services for grant writing and reporting in the District Attorney's Office, effective October 1, 2009 and terminating September 30, 2011, Ms. Hogan noted there was no financial impact on the County and the application had been due on Tuesday, May 19, 2009.

Motion was made by Mr. Goodspeed, seconded by Mr. O'Connor and carried unanimously ratifying

the actions of the District Attorney with regard to submitting an application to the Bureau of Justice Assistance for Recovery Act: Edward Byrne Memorial Justice Assistance Funds as outlined above, and the necessary resolution was authorized for the June 19, 2009 Board meeting. *A copy of the resolution request form is on file with the minutes.*

Next, Ms. Hogan presented a request to transfer funds from code A.1165 110 - Salaries, to code A.1165 440 - Legal/Transcript in the amount of \$10,000, to compensate for professional psychiatric services. She noted the funds were in the budget due to a decrease under salaries as a result of a vacated position.

Mr. Payne cautioned that in the future, funds would not be allowed to be transferred out of the account code .1 due to the resolution authorizing the abolishment of 24 positions. Ms. Hogan inquired if the resolution for same had been approved, and Mr. Payne stated that it had not been approved at this time; however, he said, execution of same was anticipated.

Motion was made by Mr. Goodspeed, seconded by Mr. Taylor and carried unanimously to approve the request to transfer funds as outlined above, and to forward same to the Finance Committee. *A copy of the Request for Transfer of Funds is on file with the minutes.*

The final item presented by Ms. Hogan was a request to reallocate the salary of the non-union position of 6th Assistant District Attorney (DA), who had been moved to the 5th Assistant position at a current salary of \$47,163. She noted that the current salary was below the normal salary for that position as compared to \$51,000 in Washington County. Ms. Hogan noted that the 4th Assistant DA with three years experience earned a base salary of \$49,453 and a raise could not be requested; therefore, she said, she would reduce the 5th Assistant salary to \$43,150, and raise the 4th Assistant salary to \$52,416 effective June 22, 2009. She reiterated that the request was to reallocate salary and therefore there was no cost to the County.

Motion was made by Mr. Goodspeed, seconded by Mr. Taylor and carried unanimously to approve the request to reclassify the salary of two non-union positions as outlined above, and to refer same to the Personnel Committee. *A copy of the Request to Increase Salary of Non-Union Position is on file with the minutes.*

Privilege of the floor was extended to Robert Lusi, Director of Probation, who distributed copies of the agenda to the Committee members; a copy of the agenda is on file with the minutes.

Mr. Lusi presented a request to abolish two part-time probation positions as per the Board of Supervisors resolution. He stated that the positions of part-time Probation Officer, base salary of \$20,530, and part-time Probation Assistant, base salary of \$14,266 would be abolished for a total amount of \$34,796.

Motion was made by Mr. Taylor, seconded by Mr. Goodspeed and carried unanimously to approve the request to abolish two part-time positions in the Probation Department as outlined above and to refer same to the Personnel Committee. *A copy of the Request to Create (Abolish) Position is on file with the minutes.*

The next item presented by Mr. Iusi was a request to amend the 2009 County Budget to increase estimated revenues and appropriations in the amount of \$50,000 to reflect receipt of drug lab testing fees paid by the probationer's and to amend the contract code for Quest Diagnostics, Inc.

Motion was made by Mr. Goodspeed, seconded by Mr. Taylor and carried unanimously to approve the request to amend the 2009 County Budget as outlined above and to refer same to the Finance Committee. *A copy of the request to Amend County Budget is on file with the minutes.*

The final item presented by Mr. Iusi was information for the Committee with regard to the State Budget which presented the opportunity for Counties to participate in the Conditional Release Program, which would allow parole for individuals who were incarcerated for a period of 60 days or more. He added that the individuals could file for a conditional release (a release board would be established), and subsequently, the Probation Department would conduct an investigation. Mr. Iusi stated that when the program was active in Warren County between 1989 and 1995, less than 10 individuals qualified for release from a total of 130. Mr. Iusi asserted that it would be judicious in terms of Warren County resources, to discourage entry into the program.

Pertaining to two pending items in connection with the Rockefeller Drug Reform Legislation, Mr. Iusi stated that both items had been completed. He apprised that he had drafted a letter for Chairman Monroe to forward to the New York Stated Association of Counties (NYSAC) regarding the negative impact of the Legislation. Mr. Iusi reported that Mr. Payne had contacted NYSAC and would respond should any necessary action be required.

There being no further business to come before the Criminal Justice Committee, on motion by Mr. Goodspeed and seconded by Mr. Taylor, Mr. Tessier adjourned the meeting at 10:02 a.m.

Respectfully submitted,

Joanne Collins, Legislative Office Specialist